

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

**JOSEPH W. BUECHEL,**

Plaintiff,

V.

**UNITED STATES OF AMERICA, et al.,**

Defendants.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Civil No. **08-132-JPG**

**ORDER**

**PROUD, Magistrate Judge:**

Before the Court is plaintiff's motion to immediately impose and enforce amendments to Federal Rule of Civil Procedure 26(b)(4)(B) and (C), which are slated to take effect December 1, 2010. (Doc. 80.) The amendments extend "work product" protection to testifying experts' draft reports and certain communications with attorneys. Although defendant has not responded yet, the Court will rule because plaintiff makes clear that defendant objects, and the discovery cutoff is fast approaching.

Congress has dictated that the amendments to Rule 26 are to take effect December 1, 2010. This Court sees no pressing need to interfere with the timetable prescribed by Congress. That is not to say that the Court disagrees with the changes, or that in the event of an actual dispute the Court would not rule in a manner consistent with the proposed amendments, which generally reflect the practice of the Court in the past. By filing the subject motion, plaintiff is creating an issue where there was none.

**IT IS THEREFORE ORDERED** that the subject motion (Doc. 80) is **DENIED**.

**IT IS SO ORDERED.**

**DATED: October 22, 2010**

s/ Clifford J. Proud  
**CLIFFORD J. PROUD**  
**U. S. MAGISTRATE JUDGE**